

Application No. 10/767,210
Art Unit: 3682

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 042060

AMENDMENTS TO THE DRAWINGS

Fig. 11 has been amended to include the label "Prior Art". No new matter has been added.

REMARKS

The claims have been amended as set forth above. Thus, claims 1-8 remain for consideration in this application. Claims 9-12 have been withdrawn.

Figure 11 should be designated as "Prior Art".

Accordingly, attached hereto is a replacement sheet of drawings in which Fig. 11 is labeled "Prior Art".

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Lee (USP 5,944,628).

Claim 1 has been amended as set forth above.

Lee discloses low and high-speed input gears 40, 42, idle gears 84, 86 contacting intermediate low-speed gear 80 and high-speed gear 82. The intermediate gears 80, 82 then drive output gear 92, being connected to a transfer gear shaft 94.

Further, the rotational power from engine 2 is transmitted through both the low/high-speed selector 28 and the continuously variable device 46. The two powers transmitted by selector 28 device 46 are combined by the drive power synthesizer 74 and transmitted to the output shaft 90.

Claim 1, as amended, includes the following:

said fixed ratio rotational transmission mechanism comprises a first rotational transmission gear train, a second rotational transmission gear train and a third rotational transmission gear train, said first rotational transmission gear train transmitting the rotation of said input shaft to said middle shaft, said second rotational transmission gear train transmitting the rotation of said middle shaft to said output shaft, and said third rotational transmission gear train transmitting the rotation of said input shaft to said output shaft without said middle shaft, and

wherein said continuously variable ratio-change mechanism and said fixed ratio rotational transmission mechanism are disposed in parallel with one another and are selectively used for transmitting rotational force from the input shaft to the output shaft.

Since Lee transmits power directly through middle or intermediate gears 80, 82, this is a clear distinction with regard to the instant invention of claim 1, in which the “gear rotational transmission gear train transmits the rotation of said input shaft to said output shaft without said middle shaft.” (Emphasis supplied.) Thus, the invention of claim 1 is clearly distinguished over Lee.

Further, as noted above, in Lee, the power from both the low/high-speed selector 28 and the continuously variable device 46 are combined at the power synthesizer 74. On the other hand, in the invention as set forth in claim 1, the engine power is selectively transmitted to the output shaft either through the CVT mechanism or the fixed ratio mechanism. Accordingly, on this basis, the invention of amended claim 1 is patentably distinct from the Lee reference.

Applicants wish to thank the Examiner for the indication that claims 2-8 contain allowable subject matter if rewritten in independent form. Claim 7 has been rewritten in independent form.

In view of the amendments to the claims, and the remarks set forth above, Applicants submit that the Examiner’s objections and rejections have been overcome.

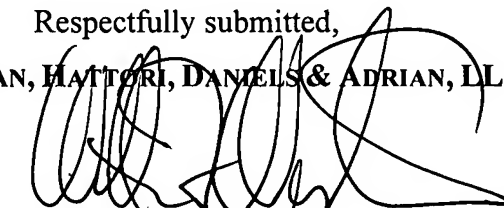
CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A large, stylized handwritten signature in black ink, appearing to read 'W. F. Westerman', is written over the printed name and firm name.

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